

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1091

AN ACT

AMENDING SECTIONS 13-2314.01 AND 41-191.09, ARIZONA REVISED STATUTES;
REPEALING LAWS 2006, CHAPTER 348, SECTION 4; RELATING TO CRIMINAL JUSTICE
BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-2314.01, Arizona Revised Statutes, is amended to
3 read:

4 13-2314.01. Anti-racketeering revolving fund: use of fund:
5 reports

6 A. There is established an anti-racketeering revolving fund to be
7 administered by the attorney general under the conditions and for the
8 purposes provided by this section. Monies in the fund are exempt from the
9 lapsing provisions of section 35-190.

10 B. Any prosecution and investigation costs, including ~~attorney's~~
11 ~~ATTORNEY~~ fees, recovered for the state by the attorney general as a result of
12 enforcement of civil and criminal statutes pertaining to any offense included
13 in the definition of racketeering in section 13-2301, subsection D, paragraph
14 4 or section 13-2312, whether by final judgment, settlement or otherwise,
15 shall be deposited in the fund established by this section.

16 C. Any monies received by any department or agency of this state or
17 any political subdivision of this state from any department or agency of the
18 United States or another state as a result of participation in any
19 investigation or prosecution, whether by final judgment, settlement or
20 otherwise, shall be deposited in the fund established by this section or, if
21 the recipient is a political subdivision of this state, may be deposited in
22 the fund established by section 13-2314.03.

23 D. Any monies obtained as a result of a forfeiture by any department
24 or agency of this state under this title or under federal law shall be
25 deposited in the fund established by this section. Any monies or other
26 property obtained as a result of a forfeiture by any political subdivision of
27 this state or the federal government may be deposited in the fund established
28 by this section. Monies deposited in the fund pursuant to this section or
29 section 13-4315 shall accrue interest and shall be held for the benefit of
30 the agency or agencies responsible for the seizure or forfeiture to the
31 extent of their contribution. Except as provided in subsections F and G of
32 this section the monies and interest shall be distributed within thirty days
33 of application to the agency or agencies responsible for the seizure or
34 forfeiture. ~~MONIES IN THE FUND USED BY THE ATTORNEY GENERAL FOR CAPITAL~~
35 ~~PROJECTS IN EXCESS OF ONE MILLION DOLLARS ARE SUBJECT TO REVIEW BY THE JOINT~~
36 ~~COMMITTEE ON CAPITAL REVIEW.~~

37 E. Monies in the fund may be used for the funding of gang prevention
38 programs, substance abuse prevention programs, substance abuse education
39 programs and witness protection pursuant to section 41-196 or for any purpose
40 permitted by federal law relating to the disposition of any property that is
41 transferred to a law enforcement agency. ~~Monies in the fund may be~~
42 ~~transmitted by the attorney general on behalf of a department or agency of~~
43 ~~this state or any political subdivision of this state to the Arizona drug and~~
44 ~~gang policy council for the funding of gang prevention programs, substance~~
45 ~~abuse prevention programs and substance abuse education programs.~~ Monies in

1 the fund may be used for the investigation and prosecution of any offense
2 included in the definition of racketeering in section 13-2301, subsection D,
3 paragraph 4 or section 13-2312, including civil enforcement.

4 F. On or before January 15, April 15, July 15 and October 15 of each
5 year, each department or agency of this state receiving monies pursuant to
6 this section or section 13-2314.03 or 13-4315 or from any department or
7 agency of the United States or another state as a result of participation in
8 any investigation or prosecution shall file with the attorney general a
9 report for the previous calendar quarter. The report shall be in a form that
10 is prescribed by the Arizona criminal justice commission and approved by the
11 director of the joint legislative budget committee. The report shall set
12 forth the sources of all monies and all expenditures. The report shall not
13 include any identifying information about specific investigations. If a
14 department or agency of this state fails to file a report within forty-five
15 days after the report is due and there is no good cause as determined by the
16 Arizona criminal justice commission, the attorney general shall make no
17 expenditures from the fund for the benefit of the department or agency until
18 the report is filed. The attorney general is responsible for collecting all
19 reports from departments and agencies of this state and transmitting the
20 reports to the Arizona criminal justice commission at the time that the
21 report required pursuant to subsection ~~H~~ G of this section is submitted.

22 G. On or before January 25, April 25, July 25 and October 25 of each
23 year, the attorney general shall ~~cause to be filed~~ FILE with the Arizona
24 criminal justice commission a report for the previous calendar quarter. The
25 report shall be in a form that is prescribed by the Arizona criminal justice
26 commission and approved by the director of the joint legislative budget
27 committee. The report shall set forth the sources of all monies and all
28 expenditures. The report shall not include any identifying information about
29 specific investigations. If the attorney general fails to file a report
30 within sixty days after the report is due and there is no good cause as
31 determined by the Arizona criminal justice commission, the attorney general
32 shall make no expenditures from the fund for the benefit of the attorney
33 general until the report is filed. If a political subdivision of this state
34 fails to file a report with the county attorney pursuant to section
35 13-2314.03 within forty-five days after the report is due and there is no
36 good cause as determined by the Arizona criminal justice commission, the
37 attorney general shall make no expenditures from the fund for the benefit of
38 the political subdivision until the report is filed.

39 H. On or before January 30, April 30, July 30 and October 30 of each
40 year, the Arizona criminal justice commission shall compile the attorney
41 general report and the reports of all departments and agencies of this state
42 into a single comprehensive report and shall submit a copy of the report to
43 the governor, with copies to the director of the department of
44 administration, the president of the senate, the speaker of the house of
45 representatives and the director of the joint legislative budget committee.

1 Sec. 2. Section 41-191.09, Arizona Revised Statutes, is amended to
2 read:

3 41-191.09. Attorney general legal services cost allocation
4 fund; contributions; exemptions

5 A. The attorney general legal services cost allocation fund is
6 established for the purpose of reimbursing the department of law for general
7 agency counsel. Monies in the fund are subject to legislative appropriation.
8 The attorney general shall administer the fund.

9 B. Beginning July 1, 2006, all state agency appropriated and
10 nonappropriated funds shall contribute a pro rata share of general agency
11 counsel services provided by the department of law. The pro rata share is
12 payable by payroll fund source, and the resultant amount shall be deposited
13 in the attorney general legal services cost allocation fund. Beginning
14 July 1, ~~2006~~ 2007, the pro rata share for each fund shall be ~~0.635~~ 0.675 per
15 cent of the total payroll. For the purposes of this subsection, "total
16 payroll" includes federal monies, state general fund monies, special revenue
17 funds, intergovernmental revenue monies, trust funds and other payroll fund
18 sources.

19 C. A claim for the pro rata share percentage payment shall be
20 submitted according to the fund source, with the accompanying payroll, to the
21 department of administration for deposit in the attorney general legal
22 services cost allocation fund.

23 D. The following agencies are exempt from this section:

- 24 1. The department of water resources.
- 25 2. The residential utility consumer office.
- 26 3. The industrial commission.
- 27 4. The universities.
- 28 5. The auditor general.
- 29 6. The corporation commission.
- 30 7. The office of the governor.
- 31 8. The department of law.
- 32 9. The house of representatives.
- 33 10. The senate.
- 34 11. The joint legislative budget committee.
- 35 12. The Arizona state library, archives and public records.
- 36 13. The legislative council.
- 37 14. The department of administration risk management fund.
- 38 15. The department of transportation.
- 39 16. The Arizona game and fish department.
- 40 17. The department of economic security.
- 41 18. The Arizona health care cost containment system.
- 42 19. The superior court.
- 43 20. The court of appeals.
- 44 21. The supreme court.

22. The Arizona department of agriculture and councils that receive administrative and budgetary services from the Arizona department of agriculture.

23. All self-supporting regulatory agencies as determined pursuant to section 35-143.01.

E. Monies in the attorney general legal services cost allocation fund are exempt from lapsing to the state general fund at the end of each fiscal year.

Sec. 3. Repeal

Laws 2006, chapter 348, section 4 is repealed.

Sec. 4. Private prison facilities; expansion of existing facilities

A. The director of the state department of corrections shall negotiate contracts or amendments to existing contracts for the construction of a total of two thousand new private prison beds not previously authorized by the legislature, as soon as practicable. The director may consider:

1. Security.
2. Inmate management and control.
3. Inmate programs and services.
4. Facility safety and sanitation.
5. Administration.
6. Food service.
7. Personnel practices and training.
8. Inmate health services.
9. Inmate discipline.

B. The contract or amendment shall include the construction and operations of the facilities as required in subsection A of this section.

C. The director of the state department of corrections shall determine the appropriate inmate populations for placement in the private prison facilities identified in subsection A of this section.

D. The director of the state department of corrections and the director of the department of administration shall jointly submit a report by the end of each calendar quarter to the joint committee on capital review on the status of implementing this section and the public prison projects authorized in section 5 of this act. The joint reports shall be submitted until all prison beds authorized in this section and section 5 of this act are open.

E. It is the intent of the legislature to fully fund the contract or contracts entered into by the department of corrections pursuant to this section.

Sec. 5. Public prison facilities; lease purchase; reports

A. In accordance with the provisions of section 41-791.02, Arizona Revised Statutes, the director of the department of administration may enter into a twenty year lease purchase agreement for the issuance of certificates of participation in an amount not to exceed \$200,000,000 for the purposes

1 described in subsection B of this section. The department shall structure
2 the agreement so that the first debt service payment does not occur until
3 fiscal year 2008-2009.

4 B. The department of administration shall use the proceeds from
5 subsection A of this section for the design and construction of at least four
6 thousand state-owned prison beds. The project or projects shall include all
7 related infrastructure and buildings. The department may allocate up to
8 \$275,000 and four full-time equivalent employees each fiscal year to oversee
9 and manage the project or projects until completion. The proceeds of the
10 certificates of participation may be considered state matching monies for any
11 available federal monies.

12 C. The department of administration shall work with the state
13 department of corrections to coordinate the timeline for the public prison
14 projects with the timeline for the contracting of two thousand private prison
15 beds authorized in section 4 of this act.

16 D. The director of the department of administration and the director
17 of the state department of corrections shall jointly submit a report by the
18 end of each calendar quarter to the joint committee on capital review on the
19 status of implementing the provisions of this section and the private prison
20 contract or contracts authorized in section 4 of this act. The joint reports
21 shall be submitted until all prison beds authorized in this section and
22 section 4 of this act are open.

23 Sec. 6. Board of executive clemency; chairman; executive
24 director

25 Notwithstanding any other law, the chairman of the board of executive
26 clemency shall also act as executive director of the board during fiscal year
27 2007-2008 and fiscal year 2008-2009.

28 Sec. 7. State department of corrections budget structure

29 Notwithstanding any other law, the state department of corrections
30 shall report actual fiscal year 2006-2007, estimated fiscal year 2007-2008
31 and requested fiscal year 2008-2009 expenditures for each line item
32 delineated in the fiscal year 2007-2008 general appropriations act when the
33 department submits the fiscal year 2008-2009 budget request pursuant to
34 section 35-113, Arizona Revised Statutes. The information submitted for each
35 line item shall contain as much detail as submitted in previous years for
36 prior line items.

37 Sec. 8. Criminal justice enhancement fund; state general fund
38 deposit; crime laboratory assessment fund

39 Notwithstanding any other law, for fiscal year 2007-2008, any monies
40 distributed from the criminal justice enhancement fund pursuant to section
41 41-2401, subsection D, paragraph 11, Arizona Revised Statutes, shall be
42 deposited in the crime laboratory assessment fund established by section
43 41-2415, Arizona Revised Statutes. Notwithstanding section 41-2415,
44 subsection C, Arizona Revised Statutes, monies distributed by this section
45 pursuant to section 41-2401, subsection D, paragraph 11, Arizona Revised

1 Statutes, are for use by the department of public safety and are exempt from
2 distribution to political subdivisions.

3 Sec. 9. Justices of the peace; payment of compensation; fiscal
4 year 2007-2008

5 Notwithstanding section 22-117, subsection B, Arizona Revised Statutes,
6 for fiscal year 2007-2008, the state shall pay 38.5 per cent of the
7 compensation and employee-related expenditures of a justice of the peace and
8 the county shall pay 61.5 per cent of the compensation and employee-related
9 expenditures of a justice of the peace, except that the county shall pay the
10 full amount of the employer contribution of the state retirement system or
11 plan or any county health plan.

12 Sec. 10. Collection enforcement revolving fund; attorney
13 general; use

14 Notwithstanding section 41-191.03, subsection B, Arizona Revised
15 Statutes, the attorney general may use monies in the collection enforcement
16 revolving fund established by section 41-191.03, Arizona Revised Statutes,
17 for any operating expenses incurred by the department of law in fiscal year
18 2007-2008 and fiscal year 2008-2009.

19 Sec. 11. Retroactivity

20 Section 41-191.09, Arizona Revised Statutes, as amended by this act,
21 applies retroactively to from and after June 30, 2007.